



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

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San Francisco, CA 94105-3901

FEB 1 2016

Lisa Gibson  
U.S. Army Corps of Engineers, Sacramento District  
Regulatory Branch  
1325 J Street, Room 1350  
Sacramento, CA 95814-2922

Subject: Final Environmental Impact Statement for the proposed Panoche Valley Solar Facility,  
San Benito County, California (CEQ #20150365)

Dear Ms. Gibson:

The U.S. Environmental Protection Agency has reviewed the Final Environmental Impact Statement for the proposed Panoche Valley Solar Facility. Our review and comments are provided pursuant to the National Environmental Policy Act, the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act..

EPA reviewed the Draft EIS and provided comments to the US Army Corps of Engineers (USACE) on October 28, 2015, rating the Draft EIS *Lack of Objections* (LO). We appreciate the efforts of the USACE to address our comments in the Final EIS. In particular, we note that the FEIS includes additional information regarding the drought's impacts on the local groundwater basin. We understand that further protection for these resources will be achieved through the use of Mitigation Measure WR-1.1, which requires that the effectiveness of the Groundwater Monitoring and Reporting Plan be continually evaluated by San Benito County. Additionally, we were pleased to see the inclusion of the USFWS Biological Opinion, the identification of additional conservation lands for the giant kangaroo rat, and updated information on tribal consultation.

We acknowledge that the applicant's preferred alternative -- Alternative A -- was changed to further reduce impacts to jurisdictional waters by eliminating the Panoche Creek bridge crossing and by incorporating measures to limit increased sedimentation and erosion from concentrated stormwater runoff as well as on and off-site flooding.

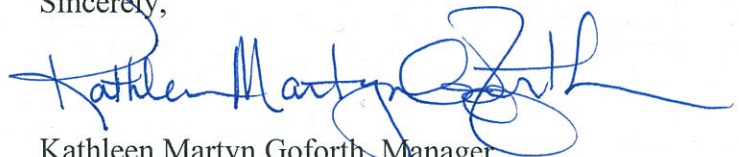
Notwithstanding the above improvements to Alternative A, we continue to recommend that the applicant consider siting the project at the Westlands CREZ location. We understand that the USACE will evaluate this alternative in conjunction with its determination of the Least Environmentally Damaging Practicable Alternative.

EPA appreciates the information regarding climate change effects in the FEIS. However, the FEIS continues to compare project emissions to statewide emissions of GHGs. As we stated in our comment letter for the DEIS, this approach is generally discouraged as it does not reveal anything beyond the nature of the climate change challenge itself, i.e., the fact that diverse individual sources of emissions each make relatively small additions to global atmospheric GHG concentrations that collectively have huge impact. The FEIS does indicate that the proposed project, in combination with other renewable energy projects throughout the state, would help achieve California's renewable energy goals of providing 20 % of California's energy needs through renewable sources by 2020. California has recently increased their goal to 33% of the state's electricity from renewable resources by 2020.

EPA recommends that all mitigation measures described in the FEIS be adopted in the Record of Decision and be included as conditions in construction contracts and any other approvals, as appropriate.

We are available to further discuss our enclosed detailed comments. Thank you for the opportunity to review this FEIS. When the ROD is published, please send a copy to us at the address above (Mail Code: ENF-4-2). If you have any questions, please contact me at 415-972-3521 or contact Anne Ardillo, the lead reviewer for this project. Anne can be reached at (415) 947-4257 or [ardillo.anne@epa.gov](mailto:ardillo.anne@epa.gov).

Sincerely,



Kathleen Martyn Goforth, Manager  
Environmental Review Section (ENF-4-2)

Cc: Doug Cooper, U.S. Fish and Wildlife Service  
Amedee Brickey, U.S. Fish and Wildlife Service